

REMARKS/ARGUMENTS

Claims 15-27, 29-32, 34 and 47-64 have been non-finally rejected as anticipated by JP8-316651. Withdrawal of the rejection is requested for at least three reasons.

First, the newly cited Japanese publication does not disclose the invention as presently claimed.

Second, the translation, which appears to be computer generated, is so unintelligible that it is difficult to determine exactly what is disclosed by the publication. The rejection accordingly does not satisfy 37 C.F.R. §1.104(b)(2).

Third, a feature previously claimed in parts of dependent claims 31 and 62 is clearly not disclosed in the Japanese publication. In order to expedite allowance of this case, this limitation is being added to independent claims 15 and 47, namely that "said one wall portion includes at least one opening and the battery contact is presented from said one wall portion through the at least one opening."

Claims 31 and 62 are narrower than the amended independent claims and therefore are not being amended.

A drawing illustrating and explaining the structure of the "opening" in the disclosed embodiment is enclosed. As seen in the drawing, in this example, only part of the battery contact extends through the opening and part of the battery contact remains behind the wall. This feature finds support in paragraphs 0004, 0027, and 0048, and originally filed claim 31. In the Japanese publication, and most battery holders, the battery contact is completely enclosed in the interior of the battery holder.

The battery terminal contact region of the amended claims thus contacts the battery terminal through an opening of the holder, as illustrated.

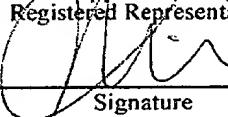
A significant advantage of the claimed structure, over JP8-316651, is that only a very small portion the battery contact region is located in the battery compartment. This provides a more robust structure in which it is difficult for the user to grasp or deform (even with a tool) the contact. However, in JP8-316651 the entire battery contact is exposed, so that the user can easily grasp, deform or even remove the contact. This may functionally affect the unit, or even create safety problems by exposing sharp points at the distal ends of the contact wire.

In view of the foregoing amendments and remarks, allowance is requested.

FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being sent via facsimile (571) 273-8300 to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 24, 2006:

James A. Finder

Name of applicant, assignee or
Registered Representative


Signature

January 24, 2006
Date of Signature

JAF:lf

Respectfully submitted,



James A. Finder
Registration No.: 30,173
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700